

JEFFERSON COUNTY COMMISSIONERS  
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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
March 10, 2009**

**Present:** Commissioners Lythgoe; Weber and Kirsch; Harold Stepper, County Planner; Ken Vivrette, Lanning Trueb, Caroleen Vaughan

**MINUTES**

Commissioner Weber moved to approve the minutes of January 6. Commissioner Kirsch seconded. The motion carried.

Commissioner Weber moved to approve the minutes of January 27. Commissioner Kirsch seconded. The motion carried.

Commissioner Weber moved to approve the minutes of March 3. Commissioner Kirsch seconded. The motion carried.

**REPORTS**

Commissioner Lythgoe noted the receipt of the February cash report from the Treasurer's office.

Commissioner Lythgoe noted the receipt of the February expense and revenue reports from the Clerk and Recorder's office.

**CALENDAR REVIEW**

- 3/11 Elkhorn Mine Citizen Advisory Group - 11:00  
RMDC - 12:00  
Main Street Program presentation - 6:30
- 3/12 Tri-Co Fire Group - 9:00  
Elkhorn Working Group - 3:00  
Weed Board - 6:00  
Library Board - Clancy - 6:30
- 3/17 Solid Waste Board - 6:00

**COMMISSION REPORTS**

### NORTH END WASTEWATER

Commissioner Lythgoe reported that he met with Great West on Wednesday regarding the north end sewer district. They agreed that they need to come make a presentation to the Commission in a work session before being placed on an agenda. Bottom line, agreed that it is not feasible financially to do the entire area, and it is probably best to do several smaller areas. One area that Megan talked to him about looking at is Clancy. Megan has talked to Great West regarding this in the past.

### MACo 100<sup>th</sup> ANNIVERSARY PLANNING

Commissioner Lythgoe reported that he had a meeting with the directors at MACo and several counties involved in planning the 100<sup>th</sup> year celebration. Lewis and Clark, Jefferson, Broadwater and Meagher Counties are involved.

### WHITEHALL FIRE

Commissioner Weber reported that on Thursday there was a large explosion in Bozeman, and then on Friday, something similar happened in Whitehall and half a block is gone in the heart of downtown. 30 jobs have been affected by the loss of these businesses. Saturday he met with Jon Tester, Mayor Ross, the JLDC, business owners and other concerned citizens in the area. Senator Tester and staff are going to try to find a way to help rebuild the downtown. There is a fast track team from the state coming in for the human service groups to help the employees that are out of work now. He attended another meeting that morning pulled together by Tara Mastel and Liz Kidwell of the Whitehall Chamber. There was a good turnout with 70 to 80 people there. A lot of people are trying to come up with money and donating equipment to try to help tear out the mess and rebuild those building. He said that they may want to consider giving the Chamber a grant out of metal mines to help get people back to work.

### CTAC

Commissioner Weber stated that he attended a CTAC meeting that morning. They will be cutting back on their temporary employees and contractors by the end of the month. They are trying to come up with ways to shorten the time of the layback to two years. They are hopeful that between taking in remote ore and getting some low-grade ore themselves they can do that.

Commissioner Weber reported that the wind farm is moving forward. They have been in negotiation with several companies for a lease to do the wind farm. They are optimistic that they will have something concrete in a month.

The Sunlight Business Park is moving forward. They are close to seeking final plat approval from us, and they have all of the DEQ approval needed. They have received a draft copy of the master plan from the engineers and are making comments at this time. Also, they did receive \$142,500 out of the \$77 million that Baucus and Tester have secured for Montana to date.

### MOSQUITO BOARD

Commissioner Kirsch reported that he had a mosquito board meeting on the 25<sup>th</sup>. The area south-east of town is a big mosquito breeding ground, and they hope to work with the ranchers to try to do something about this. He is of the opinion that they need to restart aerial spraying.

Commissioner Kirsch reported that he attended the survey committee on the 27<sup>th</sup>, as well as the binge-drinking roundtable. There was some good input at the discussion. The group is making inroads and keeping teens from drinking and driving.

## **CORRESPONDENCE**

Commissioner Lythgoe read a letter from the Red Cross regarding promised funding from Jefferson County. This was an oversight, and will be taken care of.

Commissioner Lythgoe noted the receipt of an invoice from Lewis and Clark County for 4-H. We owe them \$2,250 for FY 09. Commissioner Lythgoe stated that he spoke with Mike Murray at the MACo conference recently. They agreed that the contract would be renewed for the next five years at the same amount. Commissioner Weber moved to sign the contract with Lewis and Clark County for 4-H services. Commissioner Kirsch seconded. The motion carried.

Commissioner Lythgoe read a letter from JPT inviting the Commission to attend a reception in Helena on March 30<sup>th</sup>.

## **SUBDIVISION REVIEW**

### **REQUEST FOR ROAD VARIANCE – 5x8 MINOR – MONTANA CITY**

Harold Stepper, County Planner, stated that the agenda states that this is for the 5x8 minor, but it is actually for Martinez Gulch Road. Commissioner Lythgoe asked Ken Vivrette if the mistake on the agenda would make any difference on who might have attended the meeting. Ken stated that it would not; they are tied together.

Harold presented his staff report, noted that variances are needed for: reconstructing the road with a driving surface of 20 to 22 feet, no ditch on the upslope side of the road until it reaches the firefighting water storage facility, provision of a turnout on the upslope of the road measuring 6 feet by 40 feet where the improved road narrows below 22 feet, and 15-inch culverts to be allowed as required by geographic limitations. They also proposed to remove trees within 15 feet of the improved road surface. Harold then presented the conditions of approval. He noted that 2 to 3% cross-slope sheet draining system will add to icing problems in the areas when there is limited sunlight is available, therefore a ditch one foot on the upslope side of the road will be required with two to three 18-inch cross-drain culverts to provide adequate drainage down the hill. Also, a 40-foot turnout is inadequate for a car traveling downhill to stop. A turnout will not be needed unless it can be extended to 60 feet. Cross drain culverts with a 15-inch diameter will clog with loose soils, so 18-inch culverts will be required.

Harold recommended that the variances be granted as conditioned. Commissioner Weber asked if we are conditioning something different than what was requested. Harold stated that this is correct. He conferred with Joe Carter, and Joe feels that the road needs to be constructed in this way. Commissioner Weber asked Ken Vivrette if he has had a chance to look at the conditions and if his engineering firm would sign off on the changes. Ken stated that they would like the ability to put in one 15-inch culvert where they have the biggest problem, where utilities are in

the way. The rest of the culverts would be a minimum of 18-inch culverts. On condition 2, they would request that one 15-inch cross-drain culvert be approved as a variance, and the rest of them to be 18 inches. Commissioner Weber asked Ken where the right-of-way is, based on a drawing presented. Commissioner Lythgoe stated that according to the condition of approval, the turn-out isn't necessary. Ken stated that they would still like the flexibility to do that. Harold stated that when Joe came and talked to him the previous day, they came to the conclusion that 40 feet isn't much room to stop in if you are traveling at any speed. Commissioner Lythgoe stated that the turnout is on the uphill side, rather than the down hill side. Lanning Trueb stated that if they can put in an 18-inch culvert without impacting the utilities that are there, they will do so.

Commissioner Weber asked why there will need to be permission to cut trees; it appears that most are in the right-of-way. Lanning said that he has had conversations with the landowner that this will affect the most, and he agrees that keeping the ice off of the road is important. They will walk the land and mark the trees to be cut.

Commissioner Weber stated that he would request that if they do approve the variance that they get a new drawing to reflect the changes.

Commissioner Lythgoe asked and Ken stated that he is comfortable with the conditions of approval. The only change is for the one 15-inch culvert.

Commissioner Lythgoe said that he thinks that there needs to be some language in #3 indicating that the turnout isn't mandatory, but if put in, should be 60 feet long. Harold stated that Joe feels that it would be better if it wasn't included. Not sure if there is room for a ditch and a turnout. Commissioner Lythgoe said that he will defer to their engineer on if this can happen or not.

Commissioner Weber moved to grant the variance for Martinez Gulch Road as discussed. Commissioner Kirsch seconded. The motion carried.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **DISCUSS AND DECIDE ON FUNDING REPAIRS FOR BASIN COMMUNITY HALL**

Commissioner Lythgoe stated that the initial request was for \$3,560. He and Commissioner Kirsch have spoken with members of the Fire Department, the Trustees and Bonnie. He spoke to Randi Rachlis, one of the fire Trustees, who indicated that there are three accounts with the fire department. They have an asset account which has \$12,158 for operating the Fire Department, a Basin Community Hall account which has approximately \$2,300 – this is primarily used for paying utilities, etc., and a capital improvement account which has \$13,613. He also spoke to Jim Culbert that morning, and he indicated that they would still request money from the Commission and would like to have the Commission approve money for the repair of the exterior of the building. When he spoke to Bonnie, she indicated that any of these funds could be used for the repair of the building. Commissioner Kirsch said that he talked to a number of people, all who indicated that they would prefer that the Commission do nothing, but to save the money for something special in the future.

Commissioner Weber asked that when the Boulder Fire Department came forward and asked for

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money to purchase tires, if the Commission honored that request. There was some discussion, after which it was decided that the request for purchase of tires was denied.

Commissioner Kirsch moved to give the Basin Fire Trustees \$1,500 towards the repair project and include a letter that they can either spend or borrow money from any of their funds for the remainder of the project. Commissioner Weber seconded. The motion carried.

#### APPOINT BOARD MEMBERS

Commissioner Kirsch moved to appoint Vicki Gruber to the north-end metal mines committee. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber stated that Caroleen Vaughan came down to the Whitehall fire relief meeting that morning and presented the Main Street Program that she was vital in getting Whitehall to sign on for and offered her assistance in getting grants for the restoration of those historic buildings. He appreciates her being there.

#### **MEETING ADJOURNED**

#### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**KEN WEBER, COMMISSIONER**

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**DAVE KIRSCH, COMMISSIONER**